



Rosenfeld messages
Richard Parkin to: Jamey Stoddard

07/14/2011 02:45 PM

Rick Parkin
U.S. EPA, Region 10
(206) 553-8574

----- Forwarded by Richard Parkin/R10/USEPA/US on 07/14/2011 01:44 PM -----

From: Rob Rosenfeld <robrosey@gmail.com>
To: Richard Parkin/R10/USEPA/US@EPA
Cc: Tami Fordham/R10/USEPA/US@EPA
Date: 07/07/2011 02:11 PM
Subject: Re: Possible consultation meeting at Tyonek on August 8 regarding the Chuitna Coal mine

Hi Richard:

Thank you for the thoughtful response

I asked the tribe at their June 29th meeting about meeting with multiple agencies at the same time.

They directed me to set up independent meetings with each Federal and state permitting / regulatory agency at this time. They also indicated that they may be interested in joint meetings at a later date.

A letter has been sent to ADEC requesting independent meetings and to the Governor requesting that ADEC become a cooperating agency.

As far as the invite goes. We can consider the invite to the Regional Administrator to be adequate. Which encourages coordination with me to set-up the meeting.

I will ensure that the tribe is aware of your interest in attending the August 10th meeting on behalf of the Regional Administrator once you confirm. You can send the tribe a letter directly expressing your willingness to come to the August 10th meeting (2nd wed of the month)

The Council meeting begins at 10:00 am and extends until about 2:30 pm

There are 10:00 am flights with Sperrack air if you wish. They are based at Merrill Field

I look forward to coordinating further.

Best wishes

Rob

On Thu, Jul 7, 2011 at 1:50 PM, Richard Parkin <Parkin.Richard@epamail.epa.gov> wrote:

Hi Rob,

After we spoke this morning I thought of a couple questions. Will the Tribe send me an invitation to meet on August 8 and will the meeting be only between EPA and the Tribe or will other federal agencies be there? Further, since ADEC is now the permitting authority would it be helpful to have them represented at the meeting at least part of the time. It occurred to me that it would be helpful for ADEC and EPA to hear the same discussions and it would be useful for the Tribal Council and DEC

to meet. It would, of course, be appropriate to have a meeting just with EPA before or after the joint discussion. Just a thought. I am very happy to meet with the Council on their terms.

Rick Parkin
U.S. EPA, Region 10
[\(206\) 553-8574](tel:(206)553-8574)

----- Forwarded by Richard Parkin/R10/USEPA/US on 07/14/2011 01:44 PM -----

From: Rob Rosenfeld <robrosey@gmail.com>
To: Richard Parkin/R10/USEPA/US@EPA, Tami Fordham/R10/USEPA/US@EPA
Date: 07/07/2011 02:46 PM
Subject: 2 new letters to Gov, ADFG

Hi Richard: I will send you the letters sent by the Native Village of Tyonek to federal and state agencies for your reference.

Best wishes.

Rob

Please find 2 letters to the Governor, ADFG

To date letters that have been written are: It would be great to keep these all in one file.

4 letters to Army Corp

1 letter to DNR

1 letter to ADEC

1 letter to ADFG

1 letter to EPA

1 letter to National Marine Fisheries

1 letter USFW



lettertyonekgovernor.doc



lettertyonekfishandgame.doc

----- Forwarded by Richard Parkin/R10/USEPA/US on 07/14/2011 01:44 PM -----

From: Rob Rosenfeld <robrosey@gmail.com>
To: Richard Parkin/R10/USEPA/US@EPA, Tami Fordham/R10/USEPA/US@EPA
Date: 07/07/2011 02:48 PM
Subject: Fwd: NVT letter 4 on Chuitna to Army Corps

----- Forwarded message -----

From: **Sweet, Serena E POA** <Serena.E.Sweet@usace.army.mil>

Date: Thu, Jun 30, 2011 at 3:30 PM

Subject: RE: NVT letter on Chuitna SEIS Outline (UNCLASSIFIED)

To: "ADNR, Russell Kirkham" <russell.kirkham@alaska.gov>, "ADNR, Tom Crafford" <tom.crafford@alaska.gov>, "AECOM, Dolora Koontz" <dolora.koontz@aecom.com>,

"AECOM, Russ Moore" <rtmoore3@comcast.net>, "AECOM, Russ Moore" <russ.moore@aecom.com>, "AECOM, Valerie Randall" <valerie.randall@aecom.com>, "EPA, Jamey Stoddard" <Stoddard.Jamey@epamail.epa.gov>, "HSS, Paul Anderson" <paul.anderson2@alaska.gov>, "McCoy, Shane POA" <Shane.M.Mccoy@usace.army.mil>, "NVT, Frank Standifer" <f.standifer@hotmail.com>, "NVT, Harriet Kaufman" <harriet_k@tyonek.net>, "NVT, Harriet Kaufman" <nvt_environmental@tyonek.net>, "NVT, Janelle Baker" <janelle_b@tyonek.net>, "NVT, Jessica Standifer" <jessica_s@tyonek.net>, "NVT, Julia Shanagin" <nvt_admin@tyonek.net>, "NVT, Rob Rosenfeld" <robrosey@gmail.com>, "PacRim, Dan Graham" <dan@pacrimcoal.com>, "PacRim, Joe Lucas" <joe@pacrimcoal.com>, "USFWS, Lori Verbrugge" <lori_verbrugge@fws.gov>, "USFWS, Phil Brna" <phil_brna@fws.gov>

Classification: UNCLASSIFIED

Caveats: NONE

I received a follow-up letter to NVTs 6/8/11 letter requesting consideration of additional sections in the Chuitna Coal Project SEIS outline. A copy is attached. The Corps will be providing a formal response to these letters in the near future.

Serena Sweet
U.S. Army Corps of Engineers, Project Manager
P.O. Box 6898 (CEPOA-RD), JBER, AK 99506-0898
Phone: [\(907\) 753-2819](tel:(907)753-2819) | Fax: [\(907\) 753-5567](tel:(907)753-5567)

-----Original Message-----

From: Sweet, Serena E POA
Sent: Wednesday, June 22, 2011 2:40 PM
To: 'ADNR, Russell Kirkham'; 'ADNR, Tom Crafford'; 'AECOM, Dolora Koontz'; 'AECOM, Russ Moore'; 'AECOM, Russ Moore'; 'AECOM, Valerie Randall'; 'EPA, Jamey Stoddard'; 'HSS, Paul Anderson'; 'McCoy, Shane POA'; 'NVT, Frank Standifer'; 'NVT, Harriet Kaufman'; 'NVT, Harriet Kaufman'; 'NVT, Janelle Baker'; 'NVT, Jessica Standifer'; 'NVT, Julia Shanagin'; 'NVT, Rob Rosenfeld'; 'PacRim, Dan Graham'; 'PacRim, Joe Lucas'; 'USFWS, Lori Verbrugge'; 'USFWS, Phil Brna'
Subject: NVT letter on Chuitna SEIS Outline (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Attached is a copy of NVTs 6/8/11 letter requesting consideration of additional sections in the Chuitna Coal Project SEIS outline.

Serena Sweet

U.S. Army Corps of Engineers, Project Manager P.O. Box 6898 (CEPOA-RD), JBER,
AK 99506-0898

Phone: [\(907\) 753-2819](tel:(907)753-2819) | Fax: [\(907\) 753-5567](tel:(907)753-5567)

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE



6-29-11 NVT Letter.pdf

----- Forwarded by Richard Parkin/R10/USEPA/US on 07/14/2011 01:44 PM -----

From: Rob Rosenfeld <robrose@gmail.com>
To: Richard Parkin/R10/USEPA/US@EPA, Tami Fordham/R10/USEPA/US@EPA
Date: 07/07/2011 02:49 PM
Subject: Fwd: Nat Marine Fisheries Letter from tribe

<<http://www.fakr.noaa.gov/default.htm>> Alaska Regional Office
NOAA Fisheries' National Marine Fisheries Service
PO Box 21668
Juneau, Alaska 99802-1668

Dear Ms. Mahoney and Mr. Smith:

This letter is being written to: 1) request Government to Government
Consultation with the National Marine Fisheries Service Leadership and
2)
to

request that the National Marine Fisheries Service becomes a Cooperating
Agency in the SEIS process for the proposed Chuitna Coal Mine.

Government to Government Consultation with -National Marine Fisheries
Service Leadership: NVT - IRA Tribal Council formally requests ongoing
quarterly Government to Government meetings with appropriate
leadership
at

the National Marine Fisheries Service to address the Chuitna Coal Mine
Proposal, Draft SEIS, and any other issues of concern. We would like

these
meeting to begin in July of 2011.

RE: Cooperating Agency Status: We are clear that your responsibility is to protect Marine Mammals and their habitat. As a result, the Native Village of Tyonek - IRA Council formally requests that the National Marine Fisheries Service become a Cooperating Agency as soon as possible.

Thank you for your proactive consideration of these important requests. Please respond in writing and send a duplicate copy to our Advisor / Rob Rosenfeld, P.O. Box 13, Homer, Alaska, 99603 (robrosey@gmail.com / [\(907\)388-2683](tel:9073882683)).

Sincerely:

President Frank Standifer III



letternatmarinefisheries[1].doc

----- Forwarded by Richard Parkin/R10/USEPA/US on 07/14/2011 01:44 PM -----

From: Rob Rosenfeld <robrosey@gmail.com>
To: Richard Parkin/R10/USEPA/US@EPA, Tami Fordham/R10/USEPA/US@EPA
Date: 07/07/2011 02:51 PM
Subject: Fwd: DNR letter from NVT

>
> May 23rd, 2011
>
> RE: Government to Government Consultation with the DNR leadership:
>
> Russell Kirkham
> Alaska Department of Natural Resources
> 550 W 7th Ave, Ste 900 B
> Anchorage, AK 99501-3577
> russell.kirkham@alaska.gov
> Phone: [907.269.8650](tel:907.269.8650)
>
> Dear Mr. Kirkham:
>
> NVT – IRA Tribal Council formally requests ongoing quarterly
> Government to Government meetings with the Commissioner of the Alaska
> Department of Natural Resources to address the Chuitna Coal Mine
> Proposal, Draft SEIS and any other issues of concern. We would like
> these meeting to begin in June or July of 2011.

>
> We request respectful and meaningful State – Tribal relations and
> would like to initiate this process as soon as possible.
>
> Please do refer to Administrative Order No. 186 which indicates this
> very important standing order. Relevant aspects of Order No. 186 are
> pasted below for your reference.
>
> “ADMINISTRATIVE ORDER NO. 186 - The State of Alaska's Relationship with
> Tribes
> I declare that it is the commitment and policy of the State of Alaska,
> consistent with the Constitutions of the United States and the State
> of Alaska, to work on a government-to-government basis with Alaska's
> sovereign Tribes, which deserve the recognition and respect accorded
> to other governments. The State of Alaska has a long-standing
> commitment to local self-government that is rooted in the belief that
> the best and most effective solutions to local problems are those that
> are conceived locally.
>
> The State recognizes the value in establishing a comprehensive and
> mutually respectful State-Tribal relations policy in an effort to
> promote and enhance Tribal self-government, economic development, a
> clean and healthy environment, and social, cultural, spiritual, and
> racial diversity. The State is committed to working with Tribes to
> further strengthen Alaska's ability to meet the needs of Alaska's
> communities and families.
>
> The principles set out in this Order shall be the foundation upon
> which State government officials, at all levels, will work with Tribal
> representatives to build a framework for promoting mutually respectful
> State-Tribal relations, protocol, and policy. “
>
> Thank you for your proactive consideration of this important request.
>
> Sincerely:
>
>
> President Frank Standifer III
>
>
> On 5/19/11, Rob Rosenfeld <robrosey@gmail.com> wrote:
>> This is still active and has not been rescinded. This should help with
>> DNR and ADEC
>>
>> TONY KNOWLES
>> GOVERNOR

>> STATE OF ALASKA

>> OFFICE OF THE GOVERNOR

>> JUNEAU

>> September 29, 2000

>>

>>

>>

>> ADMINISTRATIVE ORDER NO. 186

>>

>> I, Tony Knowles, Governor of the State of Alaska, under the authority
>> granted by art. III of the Alaska Constitution, hereby establish by
>> this Order the policy of the State of Alaska on Tribes and their
>> Tribal governments (hereinafter referred to as "Tribes").

>>

>> The recognition of Tribes is a function of the federal government. The
>> federal recognition of Tribes arises out of the special relationship
>> between the United States and Tribes. Tribes can be federally
>> recognized as having Tribal status by Congressional Act, executive
>> action, or judicial determination.

>>

>> Tribes existed in Alaska before the formation of the United States and
>> the State of Alaska. The existence of Tribes in Alaska, and their
>> inherent sovereignty, has been recognized by all three branches of the
>> federal government.

>>

>> The State of Alaska recognizes the important contribution Alaska's
>> Tribes make to the citizens of Alaska. The State of Alaska recognizes
>> that funds generated by the Tribes represent a large positive economic
>> and social impact on the entire state and its citizens. The State of
>> Alaska recognizes and values the revenue and services that Alaska's
>> Tribes contribute to the state's economic and social well-being by
>> virtue of their direct Tribal authority and responsibility for the
>> delivery of social, economic, cultural, and other programs and
>> services.

>>

>> It is of paramount importance to all residents of Alaska to foster a
>> constructive and harmonious relationship between the Tribal and State
>> governments. The State of Alaska must work together with Tribal
>> governments to develop mutual respect for the rights,
>> responsibilities, and interests of all parties. The relationship
>> between our governmental structures can only be built through trust
>> and mutual respect.

>>

>> Tribes Exist in Alaska

>>

>> This Order is intended to make clear for all State and federal

>> agencies, the courts, the Tribes, and the public that the State of
>> Alaska recognizes and respects the governmental status of the
>> federally recognized Tribes within the boundaries of Alaska.

>>

>> I hereby acknowledge the legal and political existence of the
>> federally recognized Tribes within the boundaries of Alaska. I further
>> acknowledge the legal authority of the federal government to recognize
>> the existence and governmental status of Tribes in Alaska. It is also
>> the policy of the State of Alaska to acknowledge any additional Tribes
>> in Alaska that may be recognized by the federal government in the
>> future.

>>

>> The State of Alaska's Relationship with Tribes

>>

>> I declare that it is the commitment and policy of the State of Alaska,
>> consistent with the Constitutions of the United States and the State
>> of Alaska, to work on a government-to-government basis with Alaska's
>> sovereign Tribes, which deserve the recognition and respect accorded
>> to other governments. The State of Alaska has a long-standing
>> commitment to local self-government that is rooted in the belief that
>> the best and most effective solutions to local problems are those that
>> are conceived locally.

>>

>> The State recognizes the value in establishing a comprehensive and
>> mutually respectful State-Tribal relations policy in an effort to
>> promote and enhance Tribal self-government, economic development, a
>> clean and healthy environment, and social, cultural, spiritual, and
>> racial diversity. The State is committed to working with Tribes to
>> further strengthen Alaska's ability to meet the needs of Alaska's
>> communities and families.

>>

>> In December 1999, I invited the Tribes of Alaska to enter into a
>> government-to-government dialogue with the State for the purpose of
>> establishing a framework for ongoing State-Tribal relations. This
>> dialogue shall be consistent with voluntary ongoing consultation and
>> the principles of self-determination and self-governance of each
>> Tribe.

>>

>> The principles set out in this Order shall be the foundation upon
>> which State government officials, at all levels, will work with Tribal
>> representatives to build a framework for promoting mutually respectful
>> State-Tribal relations, protocol, and policy.

>>

>> This Order supersedes and revokes Administrative Order No. 125, dated
>> August 16, 1991.

>>

>> This Order takes effect immediately.
>>
>> Dated at Anchorage, Alaska, this 29th day of September, 2000.
>>
>> S/S Tony Knowles
>> Tony Knowles
>> Governor
>>
>> On 5/19/11, Rob Rosenfeld <robrosey@gmail.com> wrote:
>>> Hi Julia:
>>>
>>> I have drafted this second letter at the request of President
>>> Standifer to capture some of the important requests to the Army Corps.
>>> Please review with Council, modify as needed and send the final
>>> version to the corps and I. Thanks Rob
>>>
>>> May 23, 2011
>>>
>>> Serena Sweet
>>> U.S. Army Corps of Engineers, Project Manager
>>> P.O. Box 6898 (CEPOA-RD), JBER, AK 99506-0898
>>>
>>> Dear Ms. Sweet:
>>>
>>> This letter is being written to: 1) request Government to Government
>>> Consultation with the Army Corps leadership, 2) request initial
>>> changes to the draft MOU regarding the draft SEIS, 3) Request 100
>>> copies of the preliminary draft, draft and final SEIS upon completion,
>>> 4) request a visual organization diagram of Army Corps of Engineers
>>> in Alaska and Nationally, 5) request the draft outline to the draft
>>> SEIS so that the NVT – IRA Tribal Council may review and give input,
>>> 6) Provide DOD and Army Corps (National and Alaska) Native American
>>> and Alaska Native Tribal Government to Government and Consultation
>>> Policies, Protocols and Implementation strategies Electronic and hard
>>> copies (20 copies).
>>>
>>> Government to Government Consultation with the Army Corps leadership:
>>> NVT – IRA Tribal Council formally requests ongoing quarterly
>>> Government to Government meetings with the Colonel of the Army Corps
>>> of Engineers / Alaska Command, to address the Chuitna Coal Mine
>>> Proposal, Draft SEIS and any other issues of concern. We would like
>>> these meeting to begin in June of 2011.
>>>
>>> Initial changes to the draft MOU regarding the draft SEIS: Please
>>> integrate and /or address the following requested changes into the
>>> proposed MOU. The following requests may not represent all of the

>>> requests coming from NVT – IRA Tribal Council.

>>>

>>> • Section IV. Termination, #4d: “The Applicant will hold harmless both the Corps and the cooperating agencies and their officers, agents, and employees, from any claims, demands, causes of action and the like, which may arise from a contract dispute of the contract, or the MOU. “ This section must be removed, amended or clarified.

>>> • Section VII. MISCELLANEOUS: #2: Add the word, “Tribal” to the phrase, “in accordance with all applicable Federal, and State laws and regulations.

>>> • Section VII. MISCELLANEOUS: #2: Add the phrase, “This agreement does not take the place of the federal government responsibility to consult with potentially impacted tribes on a government to government basis”.

>>> • Section VII. MISCELLANEOUS: #8: Add the phrase as the third sentence, “Accept Government to Government agreements with potentially impacted federally recognized tribes.”

>>> • Section II. General Provisions, #8c, Add the word, “Tribal” in the first sentence.

>>>

>>> Copies of the draft SEIS: NVT – IRA Tribal Council formally requests 100 copies of the preliminary draft SEIS, draft SEIS and final SEIS to be delivered to our Tribal Office in Tyonek.

>>>

>>> Visual organization diagram of Army Corps in Alaska and Nationally: Please send this electronically and provide 20 hard copies for our council to review prior to our June 8th council meeting.

>>>

>>> Draft outline to the SEIS so that the NVT – IRA Tribal Council may review and give input: Please send hard copies (20 copies) to our office and electronic versions to all Council Members and to our advisor, Rob Rosenfeld.

>>>

>>> DOD and Army Corp (National and Alaska) Native American and Alaska Native Tribal Government to Government and Consultation Policies, Protocols and Implementation strategies: Please send 20 sets of hard copies and electronic copies by June 1st, 2011, to our Tribal Office in Tyonek.

>>>

>>> Please send all documents requested and responses to the above in electronic form and hard copies to all of our council members and to our Advisor / Rob Rosenfeld.

>>>

>>> Sincerely

>>>

>>>

>>>
>>> President Frank Standifer III
>>>
>>>
>>> On 5/16/11, Rob Rosenfeld <robrosey@gmail.com> wrote:
>>>> Hi Julia
>>>>
>>>> Here is the link to the website that contains the agenda. It is a few
>>>> day
>>>> conference with many options for sessions. Their are some excellent
>>>> sessions
>>>> on the use of media for advocacy work, building partnerships,
>>>> fundraising,
>>>> water quality monitoring, the clean water act and more.
>>>>
>>>> The costs will only be. per diem for the time away (although at least
>>>> 3-4
>>>> meals are provided - so only partial per diem is needed) and
>>>> transportation
>>>> from the airport to the conference (shuttles maybe provided for free)
>>>> other then that Hotel is covered (shared room but extra can be paid
>>>> for
>>>> a
>>>> single) and registration is covered and roundtrip airfare is covered.
>>>>
>>>> The hotel / registration = \$895 and the airfare will be about \$900 -
>>>> both
>>>> of
>>>> which are covered. So it is about an \$1,800 scholarship. They call me
>>>> every
>>>> year to help select some folks from Alaska. I thought it would be great
>>>> to
>>>> offer this opportunity to the Tribes from the Cook Inlet the year.
>>>>
>>>> <http://www.rivernetwork.org/events/national-river-rally-2010>
>>>>
>>>> The above site will bring you to the 2011 agenda. This is a conference
>>>> I
>>>> have gone to about 8 of the past 11 years. Angie Wade is going from
>>>> Knik
>>>> tribe and Patricia Wade from Chickaloon and at least one staff from
>>>> Cook
>>>> Inlet Keeper. There will be other tribes from the lower 48 that will
>>>> also
>>>> attend.
>>>>

>>>> Thank you Rob

>>>>

>>>>

>>>>

>>>> On Mon, May 16, 2011 at 3:31 PM, Julia Shanagin

>>>> <NVT_Admin@tyonek.net>wrote:

>>>>

>>>>> Rob, please send me a briefing on the what will be discussed at the

>>>>> meeting

>>>>> and what the costs will be to NVT so that I can relay it to the

>>>>> council

>>>>> members that may interested, I am looking for a council member to go

>>>>> on

>>>>> this, before I say go ahead on Brandy.

>>>>>

>>>>>

>>>>>

>>>>> Julia

>>>>>

>>>>>

>>>>>

>>>>>

>>>>>

>>>>> There are two primary choices in life; Accept conditions as they

>>>>> exist,

>>>>> or

>>>>> accept the responsibility for changing them ~ Author Unknown

>>>>>

>>>>>

>>>>>

>>>>> Julia Shanagin

>>>>>

>>>>> Native Village of Tyonek

>>>>>

>>>>> Tribal Administrator

>>>>>

>>>>> P.O. Box 82009

>>>>>

>>>>> Tyonek, AK 99682

>>>>>

>>>>> [907-583-2201](tel:907-583-2201) Ph

>>>>>

>>>>> [907-583-2442](tel:907-583-2442) Fax

>>>>>

>>>>>

>>>>>

>>>>> *From:* Rob Rosenfeld [mailto:robrosey@gmail.com]
>>>>> *Sent:* Monday, May 16, 2011 12:47 PM
>>>>> *To:* Julia Shanagin
>>>>> *Subject:* River Network deadline approaching
>>>>>
>>>>>
>>>>>
>>>>> Hi Julia:
>>>>>
>>>>>
>>>>>
>>>>> We are getting close to having to submit the name of the person that
>>>>> Tyonek
>>>>> would like to send to the National River Rally in Charleston North
>>>>> Carolina
>>>>> June 3-7th. (if you would like to send someone). A plane ticket will
>>>>> need
>>>>> to be purchased soon to benefit from two weeks advance purchase.
>>>>> Please
>>>>> let
>>>>> me know by Wed and If you decide not to send someone I will try to
>>>>> make
>>>>> the
>>>>> opportunity available for someone else. Someone from Knik Tribe and
>>>>> Chickaloon Tribes are going. Roundtrip airfare, hotel and registration
>>>>> and
>>>>> a
>>>>> few meals are covered.
>>>>>
>>>>>
>>>>>
>>>>> It sounds like Brandy is interested.
>>>>>
>>>>>
>>>>>
>>>>> Thanks Rob
>>>>>
>>>>>
>>>>
>>>
>>
>



lettertyonekDNR1.doc

----- Forwarded by Richard Parkin/R10/USEPA/US on 07/14/2011 01:44 PM -----

From: Rob Rosenfeld <robrosey@gmail.com>

To: Richard Parkin/R10/USEPA/US@EPA, Tami Fordham/R10/USEPA/US@EPA
Date: 07/07/2011 02:52 PM
Subject: Fwd: USFW letter from NVT

>
> May 23rd, 2011

RE: Government to Government Consultation with the USFW Upper Leadership:

Phil Brna
Fish and Wildlife Biologist
Conservation Planning Assistance Branch
US Fish and Wildlife Service, Anchorage Field Office
605 W. 4th Ave, Room G-61
Anchorage, AK 99501
phone: [907.271.2440](tel:907.271.2440) fax: [\(907\) 271-2786](tel:907.271-2786)
email: phil_brna@fws.gov

Dear Mr. Brna:

NVT – IRA Tribal Council formally requests ongoing quarterly Government to Government meetings with the USFW Upper Leadership, to address the Chuitna Coal Mine Proposal, Draft SEIS and any other issues of concern. We would like these meeting to begin in July of 2011.

We request respectful and meaningful Government to Government Tribal relations and consultations and we would like to initiate this process as soon as possible.

Thank you for your proactive consideration of this important request.

Sincerely:

President Frank Standifer III



lettertyonekUSFW.doc

----- Forwarded by Richard Parkin/R10/USEPA/US on 07/14/2011 01:44 PM -----

From: Rob Rosenfeld <robrosey@gmail.com>
To: Richard Parkin/R10/USEPA/US@EPA, Tami Fordham/R10/USEPA/US@EPA
Date: 07/07/2011 02:54 PM

Subject: EPA letter from NVT

May 23rd, 2011

RE: Government to Government Consultation with the EPA Region 10 Leadership:

To: Jamey Stoddard / US EPA REGION 10

1200 Sixth Avenue, Mail Code: OWW-130, Seattle, WA 98101,

[Email:Stoddard.Jamey@epamail.epa.gov](mailto:Stoddard.Jamey@epamail.epa.gov), Phone: [206.553.6110](tel:206.553.6110), Fax: [206.553.0165](tel:206.553.0165)

Dear Mr. Stoddard:

NVT – IRA Tribal Council formally requests ongoing quarterly Government to Government meetings with the Regional 10 Administrator of EPA Region, to address the Chuitna Coal Mine Proposal, Draft SEIS and any other issues of concern. We would like these meeting to begin in July of 2011.

We request respectful and meaningful Government to Government Tribal relations and consultations and we would like to initiate this process as soon as possible.

Thank you for your proactive consideration of this important request.

Sincerely:

President Frank Standifer III



lettertyonekEPA.doc

----- Forwarded by Richard Parkin/R10/USEPA/US on 07/14/2011 01:44 PM -----

From: Rob Rosenfeld <robrosey@gmail.com>
To: Richard Parkin/R10/USEPA/US@EPA, Tami Fordham/R10/USEPA/US@EPA
Date: 07/07/2011 02:55 PM
Subject: Fwd: ADEC Letter from tribe

ADEC letter from NVT



letteradectyonek.doc

----- Forwarded by Richard Parkin/R10/USEPA/US on 07/14/2011 01:44 PM -----

From: Rob Rosenfeld <robrosey@gmail.com>
To: Richard Parkin/R10/USEPA/US@EPA, Tami Fordham/R10/USEPA/US@EPA
Date: 07/07/2011 03:00 PM

June 8th, 2011

Serena Sweet
U.S. Army Corps of Engineers, Project Manager
P.O. Box 6898 (CEPOA-RD), JBER, AK 99506-0898
[\(907\) 753-5567](tel:(907)753-5567) Fax

Dear Ms. Sweet:

On behalf of the Native Village of Tyonek- IRA Council I submit the following list of requested changes to the outline (table of contents) for the Draft and Preliminary SEIS for the proposed Chuitna Coal Mine.

This list maybe expanded in the future. Please accept this list of requested changes to the outline from NVT / IRA Council as both a Cooperating Agency and as a formal request from our Federally Recognized Tribal Government. We request that all the items below be integrated and fully addressed in the SEIS documents or provide a complete explanation in writing; describing why an item is not being considered for inclusion. The list of requested changes follows:

1: Climate Change

Projections / Potential Implications:

- For the Chuitna River Watershed
- For surrounding area
- For Cook Inlet
- For Salmon populations
- Climate Change forecasts on Proposed project and salmon stream restoration
- For watershed vulnerability

2: Global and Local Realities:

- How does project contribute to Climate Change by Considering Carbon output from mine? (including methane released during mining operations and resulting wetland disturbances.)

3: Mercury

- Cumulative Impacts from combustion of coal
- Potential impacts on salmon, moose, and all migratory and resident species of fish, game and habitat.

4: Social Impacts (not to be mistaken with Socioeconomic section)

5: Salmon Stream / River Restoration

- Examples of successful Salmon Habitat Restoration from projects On the same scale of the proposed project.
- Overview of the state of the Salmon populations within a 75 mile radius of Tyonek

6: Power Generation and Energy Needs and Impacts

- Summary of Energy needs of project
- Estimate of power usage and its impacts on railbelt and natural gas during peak winter demands

7: Air Traffic and Safety:

- Potential Impacts on the safety of Alaska airways caused by explosions and coal dust in the air?
- Summary of Regulatory Concerns and Issues

8: EIS vs. SEIS

- Why is the SEIS process occurring when the EIS is 21 years old from 1990?

9: Cook Inlet Residents:

- Potential Impacts on the Anchorage Community
- Potential Impacts on Cook Inlet Residents
- Potential Impacts on Tribes in the Cook Inlet

10: Coal Dust Impacts

- Impacts on Moose Health and Habitat
- Impacts on Chuitna Watershed
- Impacts on the Cook Inlet
- Impacts on Migratory and Resident Bird Populations
- Impacts on Migratory and Resident Fish Populations
- Impacts on Human Health
- Statewide impacts
- Impacts on the Cook Inlet

- Impacts on Anchorage population
- Impacts on wild Alaska salmon marketing and sales from Cook Inlet set-netters
- Impacts on berries, and all medicinal and edible plants

11: Human Health Impacts:

- Cancers and Leukemia
- Respiratory Problems
- Information from residents living near other Mines of a similar size.

12: Shipping in the Cook Inlet

- Potential impacts of shipping in the Cook Inlet
- Emergency Response Plan
- Habitat Impacts
- Shipping Plan for operating in hazardous waters shipping impacts on commercial drift and set net fishermen.

13: Migratory and Resident Bird Populations:

- Potential impacts of proposed mine

14: Migratory and Resident Fish Populations:

- Potential impacts on subsistence and commercial populations From proposed mine.

15: Examples:

- Summary of health problems of residents living near large scale Coal Strip mines of a similar scale
- Summary of impacts on fish and game near large scale Coal Strip mines Of a similar scale
- Examples of Successful Salmon Restoration of a similar situation after removing habitat and mining 350ft.

16: Pac Rim, Barrick and Mines in area:

- Cumulative assessment of impacts from existing and future leases
- If coal is being used in state then to whom? if it is for proposed projects then where?

17: Alternatives to proposed project:

- Alternatives should include: not mining though middle creek--150

foot buffer not mining on the Chuitna River and not on the 100 tributaries.4

18: Impact of potential new dock

- Critical habitat impacts

19: Impacts of the proposed conveyer belt

Sincerely

President Frank Standifer III



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----- Forwarded by Richard Parkin/R10/USEPA/US on 07/14/2011 01:44 PM -----

From: Rob Rosenfeld <robrosey@gmail.com>
To: Richard Parkin/R10/USEPA/US@EPA, Tami Fordham/R10/USEPA/US@EPA
Date: 07/07/2011 03:01 PM
Subject: Letter to army corps #2 regarding gov to gov and draft seis mou

May 23, 2011

Serena Sweet
U.S. Army Corps of Engineers, Project Manager
P.O. Box 6898 (CEPOA-RD), JBER, AK 99506-0898

Dear Ms. Sweet:

This letter is being written to: 1) request Government to Government Consultation with the Army Corps leadership, 2) request initial changes to the draft MOU regarding the draft SEIS, 3) Request 100 copies of the preliminary draft, draft and final SEIS upon completion, 4) request a visual organization diagram of Army Corps of Engineers in Alaska and Nationally, 5) request the draft outline to the draft SEIS so that the NVT – IRA Tribal Council may review and give input, 6) Provide DOD and Army Corps (National and Alaska) Native American and Alaska Native Tribal Government to Government and Consultation Policies, Protocols and Implementation strategies Electronic and hard copies (20 copies), 7) Formally request electronic and hard copies

(10) of the Watershed Management Plan submitted by Pac Rim and the Proposed Action and copies of associated correspondence.

Government to Government Consultation with the Army Corps leadership: NVT – IRA Tribal Council formally requests ongoing quarterly Government to Government meetings with the Colonel of the Army Corps of Engineers / Alaska Command, to address the Chuitna Coal Mine Proposal, Draft SEIS and any other issues of concern. We would like these meeting to begin in June of 2011.

Initial changes to the draft MOU regarding the draft SEIS: Please integrate and /or address the following requested changes into the proposed MOU. The following requests may not represent all of the requests coming from NVT – IRA Tribal Council.

- Section IV. Termination, #4d: “The Applicant will hold harmless both the Corps and the cooperating agencies and their officers, agents, and employees, from any claims, demands, causes of action and the like, which may arise from a contract dispute of the contract, or the MOU. “ This section must be removed, amended or clarified.
- Section VII. MISCELLANEOUS: #2: Add the word, “Tribal” to the phrase, “in accordance with all applicable Federal, and State laws and regulations.
- Section VII. MISCELLANEOUS: #2: Add the phrase, “This agreement does not take the place of the federal government responsibility to consult with potentially impacted tribes on a government to government basis”.
- Section VII. MISCELLANEOUS: #8: Add the phrase as the third sentence, “Accept Government to Government agreements with potentially impacted federally recognized tribes.”
- Section II. General Provisions, #8c, Add the word, “Tribal” in the first sentence.
- Section III Procedures, #3 NVT – IRA Council will receive all copies of work completed and work proposed by the contractor / contractors.
- Section III Procedures, #6: Insert at end of paragraph: “the Corps will put in writing and provide reasons for not incorporating information or input into writing in a timely manner and provide to NVT – IRA Council in both electronic and written forms”

Copies of the draft SEIS: NVT – IRA Tribal Council formally requests 100 copies of the preliminary draft SEIS, draft SEIS and final SEIS to be delivered to our Tribal Office in Tyonek.

Visual organization diagram of Army Corps in Alaska and Nationally: Please send this electronically and provide 20 hard copies for our council to review prior to our June 8th council meeting.

Draft outline to the SEIS so that the NVT – IRA Tribal Council may review and give input: Please send hard copies (20 copies) to our office and electronic versions to all Council Members and to our advisor, Rob Rosenfeld.

DOD and Army Corp (National and Alaska) Native American and Alaska Native Tribal Government to Government and Consultation Policies, Protocols and Implementation strategies: Please send 20 sets of hard copies and electronic copies by June 1st, 2011, to our Tribal Office in Tyonek.

Watershed Management Plan / Proposed Action: Formally request electronic and hard copies (10) of the Watershed Management Plan submitted by Pac Rim and the Proposed Action and copies of associated correspondence.

Please send all documents requested and responses to the above in electronic form and hard copies to all of our council members and to our Advisor / Rob Rosenfeld.

Sincerely

President Frank Standifer III



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----- Forwarded by Richard Parkin/R10/USEPA/US on 07/14/2011 01:44 PM -----

From: Rob Rosenfeld <robrosey@gmail.com>
To: Richard Parkin/R10/USEPA/US@EPA, Tami Fordham/R10/USEPA/US@EPA
Date: 07/07/2011 03:05 PM
Subject: letter re: Rosenfeld role from NVT



NVT Letter; Rob Rosenfeld.pdf